



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Sidney Latham
Secretary of State
Austin, Texas

Dear Mr. Latham:

Opinion No. 0-5409

Re: Form for designating service agent for service of process on foreign corporations, under House Bill No. 709, 48th Legislature.

You submit to this Department for approval a form for designating a service agent for foreign corporations doing business in this State, as required by House Bill No. 709, 48th Legislature (1943), which form is as follows:

*POWER OF ATTORNEY

DESIGNATING

SERVICE AGENT

*KNOW ALL MEN BY THESE PRESENTS:

*That pursuant to the laws of the State of Texas, _____, a corporation, duly incorporated under the laws of the State of _____, acting herein by and through its _____ President, and Secretary, and certifying their action herein is authorized by the Board of Directors of this corporation, does hereby appoint and designate _____, whose address is _____ Street _____ City, Texas, a resident citizen of Texas, its true and lawful service agent in Texas, upon whom process may be served

in all suits, proceedings and causes of action, pending or that may hereafter be filed in the State of Texas, in which this corporation is a party or is to be made a party; this corporation hereby consents to the service of process upon said agent, and he shall be deemed as the service agent of this corporation for all intents and purposes, as contemplated by the statutes requiring such designation and appointment, and service of any process, pleading, notice or other paper upon said service agent shall be taken and held as due service on this corporation.

"In the event this corporation withdraws from the State of Texas, or ceases to transact or do any business in the State of Texas, it shall continue to keep and maintain such service agent upon whom service of process, pleadings, and papers may be made until the Statutes of Limitation shall have run against anyone bringing an action against this corporation which accrued prior to its withdrawal from the State of Texas.

"In case this service agent cannot be found at the address given in this Power of Attorney, or in case this corporation shall revoke the authority of this designated agent, or fail to keep and maintain this service agent after its withdrawal from the State of Texas and prior to the time when the Statutes of Limitations would have run against causes of action accruing against this corporation, then in that event service of process, pleadings and papers of such actions may be made upon the Secretary of State of the State of Texas, and the same shall be held as due and sufficient service upon this corporation.

"In Testimony Whereof, this corporation has caused this instrument to be subscribed and attested by the aforesaid officers and its corporate seal affixed thereto on this the _____ day of _____, 19____

(CORPORATE SEAL)

President or Vice-President

ATTEST:

Secretary

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"State of _____ }
COUNTY OF _____ }

Before me, the undersigned authority, on this day
personally appeared _____, and
who are known to me to be the persons and officers whose
names are subscribed to the foregoing instrument, and ac-
knowledgeed to me that they each executed the same as the
act and deed of said corporation for the purposes and con-
sideration therein expressed and in the capacity and by
authority therein stated.

Given under my hand and seal of office this the
_____ day of _____, A. D. 19____.

Notary Public _____
County, _____ State."

(Notary Seal)

We approve the above form as being in compliance
with the requirements of H. B. No. 709, Acts of the 48th
Legislature, Regular Session (1943).

APPROVED JUN 24, 1945

Very truly yours

[Signature]
CLERK ASSISTANT
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By

[Signature]
Ocie Speer
Assistant

OS-MR

